

EDGEFIELD COUNTY COUNCIL
Minutes
June 6, 2006

The Edgefield County Council held its regular meeting at 6:00 P. M. Tuesday, June 6, 2006, in the County Council Chambers, 225 Jeter Street, Edgefield, SC.

Members present:

C. Monroe Kneece, Chairman
Willie C. Bright, Vice Chairman
Norman Dorn, Councilman
Joel D. Hudson, Councilman
B. Everette Kitchen, Councilman

Others present:

Wayne Adams, County Administrator
John F. Byrd, Jr., County Attorney
Lynn Strom, Finance and Budget Manager
and others as per list attached

The meeting was called to order by Chairman Kneece, followed by the invocation given by Councilman Hudson. The Pledge of Allegiance was then recited.

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Approval of the May 2, 2006, Minutes of the Regular Meeting of Council and the May 16 Budget Work Session of Council was unanimously accepted by a motion made by Councilman Bright, seconded by Councilman Kitchens.

Reports

Reports were reviewed with no comments.

Ordinances

Third reading on Ordinance No. 05-06-577, "An Ordinance Amending Title XV, Chapter 152 of the Edgefield County Code of Ordinances to Establish a Rural-Residential Development Zoning District, to Specify Uses Permitted Therein, and to Determine those Tax Map Parcels Included within its Boundaries" was postponed, pending a planning commission amendment clarifying the definition of "concentrated animal feeding operations" (CAFOs). The planning commission will consider this amendment at its June 8th meeting.

Councilman Kitchens made the motion to approve third reading of Ordinance No. 05-06-579, "An Ordinance Providing for the FY 2006-07 Edgefield County Operating and Ancillary Budgets." Councilman Bright seconded the motion and the motion carried unanimously.

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New Business

Solicitor Donnie Myers, 11th Judicial Circuit, addressed council concerning a “Worthless Check Unit”, established by Lexington County the latter part of 2003 by the General Assembly.

The folks who really pushed this were the SC Merchants Association. Many of the southeastern states have had this program for years. It is designed to assist citizens, business men and women to help collect when they receive bad checks. It was left to each solicitor to decide whether they wanted to be involved in such a program. If the solicitor chose to participate he could do either one or all counties in his circuit. We were one of the first programs to begin – started the latter part of 2003. This has been very successful in South Carolina, particularly in Lexington and it has been used as a model to help other counties begin theirs.

The purpose of the Worthless Check Unit is to process worthless checks and to assist the victims of these cases in the collection of restitution in Edgefield County. This has been a very successful process in Lexington County. Mr. Myers has also taken this before Saluda and McCormick County Councils and has been asked to start this unit in the Tri-County.

Under the old law what the merchants had to do then, if they received a bad check, the check would come back from the bank marked “insufficient funds.” A letter would have to be prepared (under the statue passed by the General Assembly) and send it to the person who gave you the bad check, by certified mail. A signed receipt should be mailed back to the merchant – have to wait ten days. The check would have to have been deposited into your account within ten days (from the date it was received - another tracking process). If the person does not come in and make the check good, then you would have to go through a magistrate. It would then be turned over to law enforcement to be served on that person. Again, you have to meet with the magistrate to find out what could be done to collect your money. If the matter would go before the magistrate the person would be told (by the magistrate) he could either serve thirty (30) days in jail or pay the amount of the check, plus the fee to the merchant. The county would get \$41.00, only if a warrant was issued.

Under the program through the solicitor’s office a check is deposited by the merchant within ten days after receipt. The check is returned by the bank because it is no good. The merchant has to fill out a simple form which is given to the solicitor’s office along with the bad check. A criminal check is run on the person to find out if that individual has a criminal background (some do) and if they do it is very easy to collect that check when they go into general sessions’ court (you just mention to the judge about the fraudulent check).

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If there is no criminal background, one letter (by regular mail) goes to the person issuing the bad check. Most collections come from that one letter. If, however, the person does not submit the money for the bad check, then a certified mail letter is sent. The solicitor's office handles all of the contact with the individual issuing the bad check. If we get the money in, then there is no warrant. But under the law, the person who writes the check has some severe consequences. They have to pay the amount of that check plus \$30.00 that goes back to the victim, and also has to pay \$50.00 into the check program and \$41.00 that goes into the county general fund. So, under this system you get the \$41.00 whether there is a warrant or there isn't a warrant.

Since Lexington County has been operating this program (2004-2005 – began latter part of 2003) over 13,000 bad checks have been received for collection and over 9,500 checks have been collected. Distribution to the victims is made about twice a month, distribution to the county once a month.

Mr. Myers' office has worked very closely with Bi-Lo and others, with one of the larger accounts being Wal-Mart and Sams Club. We handle all of the Wal-Marts and Sams Club in Lexington County. The end of last year the people in Arkansas with Wal-Mart decided to deal with one company rather than with various prosecutors around the state. They found a company in California. The California Company uses one company rather than having many different ones all over the United States in collecting for Wal-Mart, and that one company is Lexington. When we collect the check and the \$30 we send that to California to be distributed out to their customers.

About 90% of the checks that we have collected are collected without any arrest warrant. In Lexington County if this program had not been in operation for the last three or four years, the most Lexington would have gotten (because rest warrants would have to be obtained) would have been approximately \$55,000. No cost to the county or the merchants. The statute was drawn up where the check writer pays for the operation of the program. The check writer pays for the money going into the general fund and the restitution going back to the victim.

Part of the legislation states that if a county wants a fraudulent check unit in their county, then county council and the solicitor's office has to enter into an agreement. A statewide study group was formed in the beginning to get things as uniform as possible (form was given to council members). Every detail is outlined in the form. Should council decide to enter into an agreement for these services there will be a drop-off in the courthouse. There will be forms in the courthouse to be filled out by the people receiving bad checks and leave the check at the courthouse. Someone will pick the forms and the checks up at least once a week. From there everything will be handled by the solicitor's office.

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Motion was made by Councilman Kneece, seconded by Councilman Bright to approve Edgefield County participating in the Worthless Check Unit. Motion carried unanimously.

Council Meeting Dates

Consideration for change of dates of the regular council meetings scheduled for July 4 and August 1 were discussed. The first Tuesday in July (4th) is a holiday and the first Tuesday in August (1st) council will be out of town. Motion was made by Councilman Bright, seconded by Councilman Dorn, to change the meeting dates to Tuesday, July 11th and Tuesday, August 8th. Motion carried unanimously.

Road Department Requests (non-profit entities)

Mr. Jim Griffith, Senior Citizens Director, and Roger Timpson, Chairman of the Senior Citizens Board, were present to address council.

The Senior Citizens Council is in the process of beginning construction on a new building to be located on Cedar Springs Road across from W. E. Parker. The square footage of the new building has been cut tremendously but still is very expensive. They asked the council for the consideration of allowing the county road department to grade the property. It is believed that the grading can be done in at least two weeks – savings the Senior Citizens \$50,000 to \$60,000.

Motion was made by Councilman Hudson, to honor the request from the Senior Citizens Council. Motion seconded by Councilman Dorn. Councilmen Kitchens and Bright voted no. (Motion did not carry.)

Councilman Kitchens stated that hourly rates (\$150 p/hr) had been established for road department work. Why would this be any different? If we can take two weeks off from road work to do this grading – just feel there is too much outside work going on with the road crew. Need to do a little more studying on this.

Councilman Hudson made the motion to perform the request for the EC Senior Citizens Council for the cost it cost the county to do the work, per hour, per gas, for the senior citizens living in the county. Motion carried unanimously. This work will be done for the actual cost.

Mr. Danny Bishop, representing the athletic department of Fox Creek High School, addressed council requesting the assistance of the Edgefield County Road Department in grading a practice field for the school (200 yd. x 200 yd.). Believe this could be completed within four to five days. The area consists of approximately 65 acres located on Stephens Road. About 20 to 30 acres will be used to construct the new school and a

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parking area, with the remaining acreage for recreation. The community will be welcome to also use the area for practicing sports.

Councilman Hudson asked the approximate percentage of students attending Fox Creek, if the majority are Edgefield County residents. Mr. Bishop stated there are 200 students and 190 are from Edgefield County, although all are not from the Merriwether area.

Councilman Hudson made a motion to allow the road department to grade approximately 200 x 250 yds. This area will be used as a practice field for the Fox Creek High School, for the cost of labor and fuel. Motion seconded by Councilman Kitchens, and the motion carried unanimously. An agreement between Fox Creek High School and Edgefield County will be decided on.

Women in Unity

Mrs. Essie Nicholson, Founder of Women in Unity, addressed council concerning the letter that had been sent to them requesting a \$1,500 donation. This donation will be used for a youth rally (July 22nd) to help with the cost of food, prizes, school supplies, etc. Council donated \$1,500 to this organization in 2005.

Although this is not a budgeted item, Councilman Hudson made the motion to approve the \$1,500 requested by Women in Unity. The motion was seconded by Councilman Dorn, and the motion carried unanimously.

Lease Agreement / Northside

Councilman Dorn brought before council a new lease (not an agenda item) between the Union Third Division and Edgefield County. The chairman explained that council could not act on the new lease presented because the existing lease has to be terminated and that can only be done with the consent of the Union Third Division and the county.

The agreement was discussed at the May 16th work session of council. At that time the consensus of council was that Councilman Dorn would get in touch with the surviving parties of the lease agreement and ask for consent to void the present agreement and have a new contract between the Union Third Division and Edgefield County. The new contract/lease would be taken before council.

No guests or comments from the public.

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Claims approved:

A. PAYROLL: 4/24/06 thru 5/7/06

Regular.....\$188,646.93

PAYROLL: 5/8/06 thru 5/18/06

Regular.....\$190,557.26

B. General Operating.....\$560,097.66

Executive Session

Councilman Kitchens made the motion to go in executive session pursuant to Code Section 303-4-707 (a) (1) of the SC Code of Laws 1976, as amended, and return to regular session at the discretion of the chairman. The motion carried unanimously with a second made by Councilman Dorn.

Returning to regular session the chairman stated there was discussion only, no action to be taken.

There being no further business to be conducted, Councilman Dorn made the motion to adjourn. A work session is scheduled for Wednesday, June 14, 2006, and the regular meeting for July will be held Tuesday, July 11th.

C. Monroe Kneece, Chairman

Willie C. Bright, Vice Chairman

Norman Dorn, Councilman

Joel D. Hudson, Councilman

ATTEST

Barbara R. Stark, Clerk to Council

B. Everette Kitchens, Councilman